

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

JESSE CARL RAY BENTON

PLAINTIFF

V.

CASE NO. 5:19-CV-05125

**OFFICER JOHN MORGAN, Harrison
Police Department; OFFICER RYAN
GUFFY, Harrison Police Department; and
OFFICER GREGORY SIEMILLER,
Harrison Police Department**

DEFENDANTS

OPINION AND ORDER

Plaintiff, Jessie Carl Ray Benton ("Benton"), filed this action pursuant to 42 U.S.C. §1983 in the Eastern District of Arkansas on June 24, 2019 (Doc. 2). When he filed the case, Benton was incarcerated in the Boone County Detention Center ("BCDC") in Harrison, Arkansas. By Order (Doc. 4) entered on July 9, 2019, the case was transferred to this Court. Plaintiff proceeds *pro se* and had submitted with his Complaint an incomplete application to proceed *in forma pauperis* ("IFP"). See Doc. 1.

By Order (Doc. 7) entered on July 10, 2019, Benton was directed to file a complete IFP application and return it to the Court by July 29, 2019. Benton was also specifically advised that he was required to immediately inform the Court of any change of address. If Plaintiff was transferred or released, Plaintiff was told he must advise the Court of any change in his address by no later than thirty (30) days from the time of his transfer to another facility or his release. Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires *pro se* parties to "promptly notify the Clerk and other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently."

Prior to transfer, on July 8, 2019, mail was returned as undeliverable to the Eastern District of Arkansas (Doc. 3). The documents returned were the Complaint and the motion for leave to proceed IFP. On July 22, 2019, and July 24, 2019, mail was returned to this Court (Docs. 8 & 9) as undeliverable with a notation that he was no longer incarcerated at the BCDC. The returned documents were the Order transferring the case to this district and the Order directing Plaintiff to provide the Court with a complete IFP application and advising him that he must keep the Court aware of his new address.

To date, Plaintiff has not provided a new address or contacted the Court in any way. He has not filed anything in this case since he filed the Complaint and IFP application on June 24, 2019. All documents mailed to him by the Eastern District of Arkansas and this Court have been returned as undeliverable.

Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas.

IT IS SO ORDERED on this 29th day of August, 2019.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE